

WELLS
FARGO

December 05, 2012

Us Marshall
Us Marshall
U.S. Courthouse, 300 Las Vegas Blvd, Rm 448
Las Vegas, NV 89101

Legal Order Processing S3928-021
P.O. Box 29779
Phoenix, AZ 85038
(800) 922-4684

Your Reference No: 209CV01831KJDPAL

Dear Us Marshall

We are in receipt of your legal document(s) related to the above referenced matter. Attached you will find our response.

Thank you.

Legal Order Processing
Wells Fargo Bank, N.A.

Enclosure

WF Case No: 111993712

2013 JAN 15 P 3:13

111993712
REQU

CHRISTENSEN JAMES & MARTIN
 Kevin B. Christensen, Esq.
 Nevada Bar No. 000175
 Daryl E. Martin, Esq.
 Nevada Bar No. 006735
 Wesley J. Smith, Esq.
 Nevada Bar No. 011871
 7440 W. Sahara Ave.
 Las Vegas, NV 89117
 Tel.: (702) 255-1718
 Facsimile: (702) 255-0871
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EMPLOYEE PAINTERS TRUST; PAINTERS
 VACATION TRUST; PAINTERS JOINT
 COMMITTEE; PAINTERS JOINT
 APPRENTICESHIP TRAINING COMMITTEE;
 PAINTERS INDUSTRY PROMOTION FUND;
 PAINTERS JOINT COMMITTEE INDUSTRY
 PROMOTION FUND; PAINTERS ORGANIZING
 FUND; PAINTERS LABOR MANAGEMENT
 COOPERATION COMMITTEE; PAINTERS
 LABOR MANAGEMENT COOPERATION
 INCENTIVE; PAINTERS HEALTH AND
 SAFETY AND UPGRADE TRAINING AWARD
 PROGRAM, each acting by and through their
 designated fiduciaries John Smirk and/or Thomas
 Pfundstein; and the INTERNATIONAL UNION
 OF PAINTERS AND ALLIED TRADES
 INDUSTRY PENSION TRUST FUND, acting by
 and through its designated fiduciary Gary J.
 Meyers,

Plaintiffs,

v.

RIGGIO BROTHERS CONSTRUCTION, INC., a
 Nevada corporation; OAKVIEW
 CONSTRUCTION, INC., an Iowa corporation;
 DUNRITE CONSTRUCTION, INC., a Nevada
 corporation; RAFAEL CONSTRUCTION, INC., a
 Nevada corporation; TRADE WEST
 CONSTRUCTION, INC., a Nevada corporation;
 FIRST NATIONAL INSURANCE COMPANY
 OF AMERICA, a Washington corporation; JOHN
 DOES I-XX, inclusive; ROE ENTITIES I-XX
 inclusive,

Defendants.

Case No.: 2:09-CV-01831-KJD-PAL

WRIT OF GARNISHMENT

Rosalia Garcia
 Branch Manager
 008856

Date 1-30-12
 Time
 How Served 10:20

Person

DEC 03 2012

85.00

CHRISTENSEN JAMES & MARTIN
 7440 W. SAHARA AVE., LAS VEGAS, NEVADA 89117
 PH: (702) 255-1718 & FAX: (702) 255-0871

To: Wells Fargo Bank, NA,:

YOU ARE HEREBY NOTIFIED that you are attached as garnishee in the above-entitled action and you are commanded not to pay any debt due from yourself to the said, Oakview Construction Inc., defendants, and that you must retain possession and control of all personal property, money, credits, debts, and effects and choses in action of said defendants, or any of them in order that the same may be dealt with according to law: where the amount you should retain shall be used in accordance with 15 U.S.C 1673 and Nevada Revised Statutes 31.295. Plaintiffs are informed that Oakview has accounts at Wells Fargo, including but not limited to accounts #1635789116 and #5586545435. See Exhibit 1.

YOU ARE REQUIRED to answer the interrogatories attached hereto within twenty days from date of such service. Plaintiff states that he/she has good reason to believe, and does believe that you have property, money, goods, and chattels, credits, or effects, in your hands and under your custody and control belonging to said defendants of value of \$52,010.62. In case of your failure within the time afore said to answer the interrogatories, a judgment by default in the amount demanded may be entered against you.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the Writ of Garnishment on Plaintiffs' attorney whose address appears below. Any checks issued in relation to this case shall be made payable to: **Christensen James & Martin** and shall be delivered to Wesley J. Smith, Esq. at 7440 W Sahara Ave., Las Vegas, Nevada 89117.

CHRISTENSEN JAMES & MARTIN

Gary D. Orton, United States Marshal

By: /s/ Wesley Smith 11/14/12
Wesley J. Smith, Esq. Date

By:  _____
Supervisory DUSM Date

INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH

1. Are you in any manner indebted to the Defendant(s) **Oakview Construction Inc.** either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars:

ANSWER: no

2. Are you an employer of one of the Defendant(s)? If so, state the length of your pay period and the amount each Defendant presently earns during a pay period.

ANSWER: no

3. Did you have in your possession, in your charge or under your control, on the date the WRIT OF GARNISHMENT was served upon you any money, property, effects, goods, chattels, rights, credits or choses in the action of the Defendant(s), or any of them, or in which Defendant(s) is/are interested? If so, state its value and state fully all particulars:

ANSWER: Account Closed

4. Do you know of any debts owing to the Defendant(s), whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to the Defendant(s), or any of them, or in which Defendant(s) is/are interested, and now in possession or under the control of others? If so, state particulars.

ANSWER: no

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1 5. State your correct name and address, or the name and address of your attorney upon whom
2 written notice of further proceedings in this action may be served.

3 ANSWER: _____
4 _____
5 _____
6 _____

7 6. NOTE: If an employer, without legal justification, refuses to withhold the earnings of a
8 Defendant demanded in a WRIT OF GARNISHMENT or knowingly misrepresents the earnings
9 of the Defendant(s), the Court shall order the employer to pay the Plaintiff the amount of
10 arrearages caused by the employer's refusal to withhold or his misrepresentation of the
11 Defendant's earnings. In addition, the Court may order the employer to pay the Plaintiff punitive
12 damages in an amount not to exceed \$1,000 for each pay period in which the employer has,
13 without legal justification, refused to withhold the Defendant's earnings or has misrepresented
14 the earnings.

12 I *[Signature]* DEC 07 2012 do solemnly swear and affirm that the answers to the
13 foregoing interrogatories are true and correct.

14 State of Nevada)
15) ss.
16 County of Clark)

WELLS FARGO BANK
LEVY PROCESSING
MAC S3928-021
PO BOX 29779
PHOENIX, AZ 85038
PHONE: 480-724-2000
FAX: 866-670-1561

17 Subscribed and Sworn to before me this day of DEC 07 2012.

18 Notary Public

